UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1996/NGO/6
7 August 1996

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by International Educational Development, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 July 1996]

1. International Educational Development/Humanitarian Law Project (IED/HLP) has worked in close cooperation and collaboration with the human rights network in Mexico which at present includes 43 human rights organizations. We have sent numerous fact-finding missions and have written reports on application of human rights and humanitarian law to the situation in Mexico.

2. The Mexican Government has presented an image to the international community of respect for human rights which, apart from the widely known situation in Chiapas, is largely intact. The reality for the Mexican people, however, is quite different: summary executions and disappearances occur with alarming frequency; torture is a standard practice in police interrogation; death threats against people who attempt to raise concerns about these violations are increasing. Police and other authorities accused of these abuses are practically never brought to justice.

3. The impunity openly enjoyed by the authorities is illustrated by the massacre in Guerrero (June 1995) a videotape of which we submitted to the Centre for Human Rights during the 1996 session of the Commission on Human Rights. In that event, police lay in wait and then opened fire on a bus full of farm workers. Seventeen were killed and 20 injured. To date, although some police have been charged, there have not been charges brought against the senior authorities. The police charged are now free. Then, on 10 April 1996 in Tepotzlan, Morelos, another incident occurred in which 1 farm worker was killed and 40 injured. This was also caught on videotape, yet as of this date, no senior authorities have been charged. (See PRODH: Centro de Derechos Humanos Miguel Agustín Pro, Tepotzlan: El Derecho de un Pueblo a Sobrevivir, (1996)) (document presented to the United Nations Centre for Human Rights). 1/

4. Cases of summary executions, torture and arbitrary detention have become particularly commonplace in the poorer States of Chiapas, Oaxaca, Hildago, Veracruz, Estado de México, Guerrero Chihuahua and Morelos - a fact carefully documented by the Red de Organismos Civiles de Derechos Humanos (the Network) in its 1996 report to the Organization of American States Inter-American Commission on Human Rights. 2/ Earlier this year the Centro de Derechos Humanos Miguel Agustín Pro (PRODH) documented 37 political homicides and 277 politically motivated detentions or police abuses. (PRODH: Centro de Derechos Humanos Miguel Agustín Pro Boletín Trimestral 1996). PRODH informs us that they are convinced that the real number of violations is much higher - neither they nor other human rights organizations can investigate all allegations made - in part because witnesses fear reprisals. Additionally, the Public Ministry has refused to accept complaints brought against the authorities or powerful landowners (caciques).

5. IED/HLP has documented the use of torture to extract confessions. Our delegate Jack Kent has just issued a report (Jack Kent, Preliminary Evaluation of Medical Status as Reported to the Humanitarian Law Project (IED/HLP April 1996)) on the use of torture on persons arrested as presumed Zapatistas. His findings concur with other findings indicating deafness due to simultaneous ear slapping and other physical and psychological sequelae of torture. Methods of torture also include forcing water and hot chili powder up nostrils, putting plastic bags over heads, electric shocking of genitalia and "pretend" executions. The Mexican Supreme Court has upheld use of testimony extracted under torture to support a conviction in upholding the precedence of first testimony over later testimony. (See PRODH: Centro de Derechos Humanos Miguel Agustín Pro, Informe para la Comisión Interamericana de Derechos Humanos (July 1996) at pp. 117-121) (document presented to the United Nations Centre for Human Rights).

6. Material provided by our collaborating organizations in Mexico to the Inter-American Commission on Human Rights show in detail that human rights violations are increasing. 3/ We consider the following trends the most troublesome:

(a) New national security legislation 4/ that increases the role of the military in civilian society and limits individual freedom by allowing interception of private communications, allowing incommunicado detention and non-disclosure of charges, and reducing the age of majority to 16; 5/

(b) The overwhelming corruption of police and public security authorities - up to 80 per cent of federal agents have participated in illegal acts according to government functionaries 6/ and 30 per cent of highway assaults are committed by police according to the United States State Department; 7/

(c) The constant violence and insecurity faced by the farm workers and in agrarian areas; 8/

(d) The increase in harassment of community leaders and human rights monitors; 9/

(e) An increase in credible allegations of lack of impartiality in the judiciary, and attacks, such as the assassination of Abraham Polo Uscanga, against members of the judiciary attempting to re-establish impartiality; 10/

(f) The militarization of several of the poor States. 11/

7. IED/HLP and the human rights organizations in Mexico with which we are affiliated are convinced that the situation in Mexico warrants serious international attention. We are pleased that the Inter-American Commission has carried out an on-site investigation and we look forward to its report. We urge this Sub-Commission to speak out on human rights violations in Mexico and to urge the Government of Mexico to institute immediate measures to ensure that these violations end. Our organizations stand ready to cooperate in any way feasible to establish true respect for human rights in Mexico.

Notes

1/ This incident was also reported in the media. See, e.g. "Errores e imposiciones del gobernador, el agua y la tierra detonadores del conflicto en Tepoztlan," Proceso, 29 April 1996 at pp. 26-29.

2/ Red de Organismos Civiles de Derechos Humanos, Informe sobre la Situación General de los Derechos Humanos en México (July 1996). The Inter-American Commission on Human Rights carried out an on-site investigation of human rights in Mexico in July 1996.

3/ See esp. In addition to the above-cited reports by PRODH and the Red de Organismos Civiles de Derechos Humanos (the Network), the Network also issued a report Chiapas: Donde la Justicia No Tiene Lugar (1996) for the Inter-American Commission.

4/ Approved 11 December 1995, Diario Oficial de la Federación.

5/ Both the Network and PRODH have analysed this legislation from the perspective of Mexico's Constitution and international human rights law. See Red de Organismos Civiles de Derechos Humanos, Informe; PRODH: Centro de Derechos Humanos Miguel Agustín Pro, Boletín Mensual (January and February 1996). For a discussion of the impact of the military in civilian

affairs see Eric Olsen, The Evolving Role of Mexico's Military in Public Security and Antinarcotics Programs, (WOLA Briefing Series: Issues in International Drug Policy, May 1996).

6/ See PRODH: Centro de Derechos Humanos Miguel Agustín Pro, Boletín Trimestral, January-March 1996.

7/ Reported in "Coincidencia de Organismos: La Seguridad Pública sin Respecto a los Derechos Humanos Tiene un Nombre: Dictadura", Proceso, 15 April 1996 at p. 16.

8/ The Network's report to the Inter-American Commission cited above provides analysis of this problem, concluding that the absence of law and justice in the agricultural areas and the alignment of authorities with the landowners (some of whom have private armies) is a major factor in the increasing number of deaths, disappearances, torture and other abuses of human rights.

9/ Our Executive Director was herself abused during one of her investigative missions to Mexico. All the member organizations of the Network have received threats. Red de Organismos Civiles de Derechos Humanos, La Red Denuncia Campana Sistemática y Nacional Contra Defensores de Derechos Humanos (June 1996). The 1995 report of the Comisión Nacional de Derechos Humanos also reports on threats to human rights defenders. Attacks have been widely reported by other international human rights organizations. See, e.g. Amnesty International, Urgent Actions Nos. 41/222/96, 41/19/96, 41/12/96, 41/07/96, 41/14/96, 41/02/96 and 41/01/96.

10/ Abraham Polo Uscanga was a Magistrate of the Supreme Court. For more on this case see Amnesty International, Bulletin, vol. 19, No. 2 (1996).

11/ "La militarización de la policia en Chihuahua como experiencia piloto" in Informe sobre la Situación General de los Derechos Humanos en México, op. cit.